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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,796	08/24/2001	Bruce Purkey	26640A	2162

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Jeffrey S. Whittle  
Bracewell & Patterson, L. L. P.  
711 Louisiana Street, Suite 2900  
Houston, TX 77002-2781

EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT PAPER NUMBER

2836

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/938,796

Applicant(s)

PURKEY, BRUCE

Examiner

Roberto J Rios

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06/09/2203.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 and 32-37 is/are allowed.
- 6) ☒ Claim(s) 21,22,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 23-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06/092003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US patent 6,242,887) in view of KBI, KAPower Installation-operation manual.

As per claim 21, Burke teaches a method for selectively providing power to an electrical system associated with an internal combustion engine connected to a starter, an alternator, and a battery, the method comprising: supplying power from a capacitor to the starter when the engine is being started; preventing delivery of power from the capacitor to the electrical system when the engine is not being started; and providing power from the alternator to the capacitor when the engine is running. Burke discloses the capacitor preferably being a double layer capacitors, which are obtained from KBI under the trade name of KAPower. Burke further discloses that information about suitable capacitors for use in his system could be found in publications of ESMA and on the Internet at [www.esma-cap.com](http://www.esma-cap.com) but does not specifically disclose the capacitor comprising at least eleven cells, "defining an enhanced-power capacitor", wherein said capacitor provides a voltage greater than 14.6 volts during normal operation. However, KBI, KAPower<sup>TM</sup> Installation-operation manual discloses a plurality of double layer

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capacitors to be used as auxiliary power sources for engine cranking purposes, wherein a higher-power capacitor (for example: 20EC402.2-120-26/13.0.006) comprises at least eleven cells to thereby provide a voltage greater than 14.6 volts during normal operation. Furthermore, it has been recognized that the duplication of elements for a multiplied effect, is not the type of innovation for which a patent monopoly is to be granted, see 193 USPQ 8, 11 (7<sup>th</sup> Cir. 1977). In this case, a 10-cell KAPower capacitor comprises of ten serially connected cells of approximately 1.4 volts each to ensure a cranking power of approximately 14 volts. Thus, it is difficult to conceive of a more obvious method of increasing the cranking power capacity than to adding additional cells to the capacitor. In fact, KBI does exactly that by disclosing a 20-cells capacitor that provides a higher cranking power capacity.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Burke with the teachings of KBI, KAPower<sup>TM</sup> manual such that the capacitor comprises a capacitor having at least eleven cells to provide a voltage greater than 14.6 volts during normal operating conditions for the purpose of providing higher auxiliary cranking power to vehicles requiring more than 14.5 volts.

As per claim 22, KAPower teaches the claimed power requirements (Table 1).

3. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke in view of KBI as applied to claim 21 above, and further in view of Klebenow et al (US patent 5,002,840).

As per claims 30 and 31, Burke teaches selectively supplying power from the capacitor to the electrical system when the battery voltage is insufficient but does not specifically disclose said procedure performed by a user. However, Klebenow et al (herein after Klebenow) teaches a starter cranking arrangement comprising a main power source and a reserve power source, wherein a manual switch actuatable by a user is provided supply power from the reserve power source to the electrical system when the main power source is insufficient to power said electrical system (col. 3, line 43+).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Burke with the teachings of Klebenow such that a user selectively connects the capacitor to the electrical system when the battery power is insufficient to power said system for the purpose of allowing vehicle operation when the main battery voltage is inadequate to operate the vehicle.

***Allowable Subject Matter***

4. Claims 1-20 and 32-37 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: The reasons for allowance of claims 1-13 and 17-20 were explained in the last office action mailed on 04/01/2003. Moreover, applicant's amendments to claims 14 and new claim 32 added allowable subject matter previously indicated in the last office action.

6. Claims 23-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 21, 22, 30 and 31 have been considered but are moot in view of the new ground(s) of rejection.

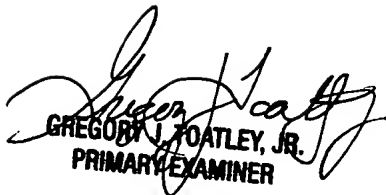
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Art of general nature relating to engine cranking has been cited for applicant's review.

### Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.

  
GREGORY J. FOATLEY, JR.  
PRIMARY EXAMINER

Roberto J. Rios  
Patent Examiner